REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-5 and 7-9 are pending in the present application. Claims 1 and 4 have been amended, Claim 6 has been cancelled without prejudice or disclaimer, and Claims 7-9 have been added by way of the present amendment. Support for amendments and additions to the claims can be found in the originally filed disclosure at least in Figure 9 and corresponding disclosure. Thus, no new matter is added.

In the outstanding Office Action, Claim 6 was rejected under 35 U.S.C. §101 as directed to non-statutory subject matter; and Claims 1-6 were rejected under 35 U.S.C. §102(e) as anticipated by <u>Tharaken et al</u>. (U.S. Pat. Pub. No. 2003/0144961 herein <u>Tharaken</u>).

With respect to the rejection of Claim 6 under 35 U.S.C. §101 as directed to non-statutory subject matter, Claim 6 has been cancelled. Thus, Applicant respectfully submits that the rejection to this claim is moot and requests that the rejection of Claim 6 under 35 U.S.C. §101 be withdrawn.

Addressing now the rejection of Claims 1-6 under 35 U.S.C. § 102(e) as anticipated by <u>Tharaken</u>, Applicant respectfully traverses this assertion.

Claim 1 recites, in part,

> storing means for storing content data;
> managing means for managing preference data by which to determine preferences of a user <u>based on a quantity of previous orders with respect to a genre</u>;
> reading means for reading said content data from said storing means in response to an instruction from said user;
> sorting means for sorting said content data read by said reading means, in accordance with said preference data managed by said managing means; and
> composing means for composing said content data sorted by said sorting means, into a single item <u>for distribution to</u> said user.

Claims 4 and 5 recite corresponding information processing method and computer readable storage medium claims.

Tharaken discloses a method for the creation and distribution of customized electronic books. Further, Tharaken describes that a user is able to view statistic data of usage of the system by entering into the "View Statistics" screen.

However, Tharaken does not describe or suggest managing preference data by which to determine preferences of a user based on a quantity of the previous orders with respect to genre.

Specifically, Tharaken describes in paragraph [0037], that a user is able to view various statistics including usage of the system. However, Tharaken does not use this data to determine user preference and to sort content data. In Tharaken, the system automatically increments the statistic data depending on each use by a particular user, but does not describe using this information for user preference. Furthermore, Tharaken, in paragraph [0038], describes user settings include defined information such as preferred data content sources, data content filters by source, table of contents format and ordering of the table of contents, project codes, covers heat preferences, separator pages preferences, user default directories, custom logos, book expiration times, pricing options data sources logos, book expiration times, pricing options, and data source naming conventions. Tharaken does not, however, describe or suggest using the statistic information to sort content. The outstanding Action asserts on page 4 that paragraph [0057] of Tharaken describes the sorting means recited in Claim 1. However, Applicants respectfully submit that "excluding content for sources considered unreliable" is not equivalent sorting content in accordance with preference data based on a quantity of previous orders with respect to a genre.

Thus, Applicant respectfully submits that Claims 1, 4 and 5, and claims depending therefrom, patentably distinguish over Tharaken.

Addressing now newly added Claim 7, which also patentably distinguishes over Tharaken. As noted above, Tharaken discloses that a user is able to view statistic data by entering into a "View Statistics" screen. However, this claim also distinguishes over Tharaken as this reference does not disclose or suggest a management unit configured to manage preference data by which to determine preferences of a user based on a quantity of previous orders with respect to a genre. Tharaken discloses viewing statistical usage, but does not describe or suggest determining user preferences based on this data or sorting content based on such user preference. Therefore, Applicant respectfully submits that Claims 7-9 also patentably distinguish over Tharaken.
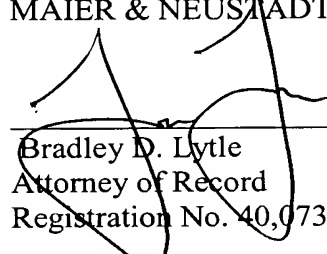
Consequently, in view of the above discussion, it is respectfully submitted that the invention defined by Claims 1-5 and 7-9 patentably distinguish over the cited art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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